

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Nicholas J. Cremona  
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

PATI H. GERBER 1997 TRUST; THE PATI H.  
GERBER MARITAL DEDUCTION TRUST  
UNDER THE LAST WILL AND TESTAMENT  
OF OSCAR L. GERBER; OSCAR L. GERBER  
RESIDUARY TRUST A; OSCAR L. GERBER  
RESIDUARY TRUST B; PATI H. GERBER  
LTD.; PATI H. GERBER; individually, and in her  
capacity as Trustee of the Pati H. Gerber 1997

Adv. Pro. No. 10-04480 (SMB)

Trust, the Pati H. Gerber Marital Deduction Trust Under the Last Will and Testament of Oscar L. Gerber, the Oscar L. Gerber Residuary Trust A, and the Oscar L. Gerber Residuary Trust B; and BRIAN H. GERBER, in his capacity as Trustee of the Pati H. Gerber Marital Deduction Trust Under the Last Will and Testament of Oscar L. Gerber, the Oscar L. Gerber Residuary Trust A, and the Oscar L. Gerber Residuary Trust B,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants (i) Pati H. Gerber 1997 Trust; (ii) Pati H. Gerber Marital Deduction Trust Under the Last Will and Testament of Oscar L. Gerber (the "Pati Gerber Marital Trust"); (iii) Oscar L. Gerber Residuary Trust A (the "Oscar Gerber Trust A"); (iv) Oscar L. Gerber Residuary Trust B (the "Oscar Gerber Trust B"); (v) Pati H. Gerber Ltd.; (vi) Pati H. Gerber, individually and in her capacity as trustee of the Pati H. Gerber 1997 Trust, the Pati Gerber Marital Trust, the Oscar Gerber Trust A and the Oscar Gerber Trust B ("Pati Gerber"); and (vii) Brian H. Gerber, in his capacity as trustee of the Pati Gerber Marital Trust, the Oscar Gerber Trust A and the Oscar Gerber Trust B ("Brian Gerber," and together with the Pati H. Gerber 1997 Trust, the Pati Gerber Marital Trust, the Oscar Gerber Trust A, the Oscar Gerber Trust B, Pati H. Gerber Ltd. and Pati Gerber, "Defendants"), by and through their counsel, Marcy Harris of Shulte Roth & Zabel LLP and Schuyler D. Geller of Bellows and Bellows, P.C. (collectively, the "Parties"), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and served the Complaint against Defendants.

2. On April 17, 2014, Defendants Pati H. Gerber 1997 Trust, Pati H. Gerber Marital Deduction Trust Under the Last Will and Testament of Oscar L. Gerber, Oscar L. Gerber Residuary Trust A, Oscar L. Gerber Residuary Trust B, Pati H. Gerber Ltd. and Pati Gerber served an answer on the Trustee.

3. On April 17, 2014, Defendant Brian Gerber served an answer on the Trustee.

4. On May 31, 2016, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: June 27, 2016

**BAKER & HOSTETLER LLP**

By: /s/ Nicholas J. Cremona  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com  
Dean D. Hunt  
Email: dhunt@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**SCHULTE ROTH & ZABEL LLP**

By: /s/ Marcy R. Harris  
919 Third Avenue  
New York, NY 10022  
Telephone: 212.756.2000  
Facsimile: 212.593.5955  
Marcy R. Harris  
Email: marcy.harris@srz.com  
Mark D. Richardson  
Email: mark.richardson@srz.com

*Attorneys for Defendants Pati H. Gerber 1997  
Trust, Pati H. Gerber Marital Deduction Trust  
Under the Last Will and Testament of Oscar L.  
Gerber, Oscar L. Gerber Residuary Trust A, Oscar  
L. Gerber Residuary Trust B, Pati H. Gerber Ltd.  
and Pati H. Gerber*

**BELLOWS & BELLOWS, P.C.**

By: /s/ Schuyler D. Geller  
The Rookery Building  
209 South LaSalle Street, Suite 800  
Chicago, IL 60604  
Telephone: 312.332.3340  
Facsimile: 312.332.1190  
Schuyler D. Geller  
Email: sgeller@bellowslaw.com

*Attorneys for Defendant Brian H. Gerber*

**SO ORDERED**

**Dated: June 27<sup>th</sup>, 2016**  
**New York, New York**

/s/ STUART M. BERNSTEIN  
**HONORABLE STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**